

REMARKS

Applicants greatly appreciate the conscientious consideration and courtesy extended by the Patent Office.

Applicants have carefully reviewed and considered the Office Action dated September 25, 2001, and the references cited therein. In response, Applicants have amended the drawings and the specification to correct various informalities regarding the use of reference numerals. No new matter has been added by way of these amendments.

Applicants have also canceled without prejudice claims 1-13 and 21. Applicants have amended claim 14 in order to improve its form and more clearly claim the invention. Applicants have not amended the claim to overcome the prior art. Applicants submit that the claim, with or without amendment, is patentable over the prior art. Applicants have also added claims 22-33 to further define the invention.

Applicants believe that the application is now in condition for allowance. Accordingly, favorable reconsideration in light of the following remarks is respectfully requested.

Specifically, claims 2 and 9-13 stand rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite. The Examiner contends that in these claims it is unclear what structural limitations are added to further define the invention. These claims are also objected to under 37 C.F.R. § 1.75(c) as being in improper dependent form for failing to further limit the subject matter of a previous claim. The rejection and objection appear moot since Applicants have cancelled claims 1-13. Applicants submit that added claims 22-33 are clear and definite under 35 U.S.C. § 112.

Claims 1-3 and 8-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,096,008 to Taylor. With respect to claims 2 and 9-13, the Examiner argued that these claims limit the apparatus claims by adding method limitations. The Examiner concluded that these claims do not alter the structural makeup of the apparatus and can be rejected in an analogous manner. The rejection is believed to be moot since Applicants have cancelled claims 1-13.

Applicants note that the cited reference does not disclose a tread dispenser configured to provide a cut length of tire tread as found in new claim 22 and amended claim 14. New claims 23-33 depend from claim 22 and thus contain the same patentable features as claim 22.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor. Claims 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent

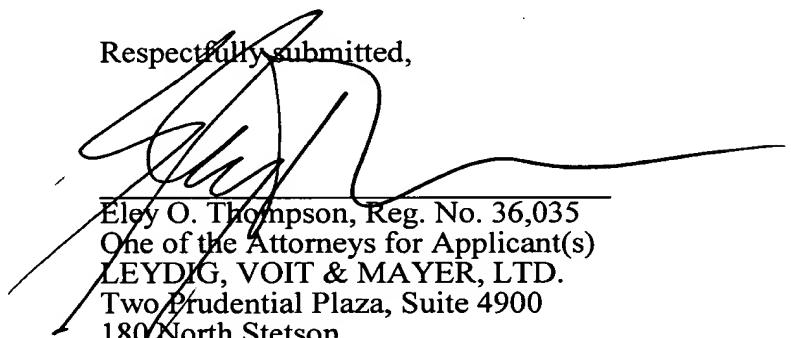
5,882,457 to Currie in view of Taylor, U.S. Patent 4,804,426 to Okuyama, and U.S. Patent 5,292,398 to Miyamoto. These rejections appear to be moot since Applicants have cancelled claims 1-13.

Claims 14-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Currie in view of Taylor and U.S. Patent 5,485,727 to Meyer. As noted Applicants have amended claim 14 to more clearly claim the invention. The cited references do not teach or suggest, either alone or in combination, the claimed method of cutting a length of tire tread. Claims 15-20 depend from claim 14 and thus contain the same patentable features as claim 14.

*Conclusion*

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

  
Eley O. Thompson, Reg. No. 36,035  
One of the Attorneys for Applicant(s)  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: March 22, 2002

CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO OFFICE ACTION (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date: 3-22-02

Cindy R. Dwyer